

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John F. Pavley et al.

Examiner: Steven Paul Sax

Serial No. 11/963,018

Art Unit: 2174

Filed: 12/21/2007

Attorney Docket No. 1104-040A

For: METHOD AND APPARATUS FOR EDITING HETEROGENEOUS MEDIA
OBJECTS IN A DIGITAL IMAGING DEVICE

DECLARATION OF COLLEEN GARLINGTON

I, Colleen Garlington, declare under penalty of perjury that the following statements are true:

1. I am a partner at Kirkland & Ellis LLP and currently serve as outside counsel for Apple Inc. ("Apple") in connection with this matter.
2. This Declaration is based on my personal knowledge and/or information provided to me by Apple employees at my request.
3. Apple has been informed that the following documents and expert reports, produced under and/or subject to a protective order in ITC Investigation 337-TA-726, were erroneously disclosed by counsel for FlashPoint Technology Inc. ("FlashPoint") in public filings:

Document Title	Bates Range
Venus Product Intro. Plan	726-Apple0006437-86
Underwriters Laboratories Inc., Test Report	726-Apple0006760-847
Aspen Digital Electronic Camera, Engineering Requirement Specification	726-Apple0020516-31
QuickTime™ Image Capture User Interface Specification for Macintosh	726-Apple0025656-74
Phobos Digital Electronic Camera, Engineering Requirement Specification	726-Apple0028579-95
QuickTake 100/Venus/DS205AA Validation Test Report With Data	726-Apple0033655-735
Nimbus QuickTake 150 Transition Binder	726-Apple0036033-40
Apple Quick Take 100 Digital Camera for Windows	726-Apple0036207-17
Venus Digital Electronic Camera, Engineering Requirement Specification	726-Apple0036401-450
QuickTime Image Capture Application Interface Specification for Macintosh and Windows	726-Apple0044443-78
Apple Corporate Development Group, Apple Imaging Group, FlashPoint Decision Request	726-Apple0048647-49

Apple Image Capture Platform Motivation	726-Apple0048650-52
Expert Report of Mr. Kiet Tran, Investigation No. 337-TA-726	N/A
Expert Report of Dr. Castleman, Investigation No. 337-TA-726	N/A
Expert Report of James L. Olivier, Investigation No. 337-TA-726	N/A

4. I am counsel for Apple in litigation matters where the documents listed above were produced on a confidential basis under a protective order. To my knowledge, aside from the aforementioned erroneous disclosure by counsel for FlashPoint, these documents have not otherwise been made public.

Executed this 28th day of December 2012


 Colleen M. Garlington
Counsel for Apple Inc.

KIRKLAND & ELLIS LLP
 300 North LaSalle Street
 Chicago, Illinois 60654
 Tel: (312) 862-2000
 FAX: (312) 862-2200